

RECEIVED
CENTRAL FAX CENTER

013

DEC 06 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Richard James Axe

Serial No. 10/646,656

Filed: August 21, 2003

For: Valves

Confirmation No. 9928

Examiner Marc E. Norman

Group Art Unit 3744

Attorney Docket 1-24694

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Honorable Sir:

The following is a statement of the cause of the unintentional delay which resulted in abandonment of the above application.

On September 19, 2004, applicant's undersigned attorney prepared a response to a May 20, 2004 office action. The response was dated September 20, 2004 and was given to a secretary for completion and mailing. The secretary prepared a receipt post card, signed the certificate of mailing on September 20, 2004 and prepared file copies of the documents. By mistake or carelessness, the secretary then placed the original office action response in the file without mailing to the PTO, informed our docket clerk that the response had been mailed, and then filed the file to await further action.

On December 6, 2004, applicant's attorney received a telephone call from Examiner Norman inquiring if the application was abandoned or if a response was lost in the mail or in processing by the PTO. On reviewing the file, the unintentional failure of the secretary to mail the office action response which resulted in the abandonment was discovered.

It is respectfully submitted that the abandonment was unintentional. Accordingly, it is requested that the application be revived and that the office action response be considered.

Respectfully submitted,

By Oliver E. Todd, Jr.
Oliver E. Todd, Jr.
Reg. No. 24,746

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza
Fourth Floor
720 Water Street
Toledo, Ohio 43604

(419) 255-5900
Fax (419) 255-9639
email todd@mstfirm.com